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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/024,441

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Ram Gopal Lakshmi Narayanan

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BANNER & WITCOFF

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WASHINGTON, DC 20001

EXAMINER

MEUCCI, MICHAEL D

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,441

Applicant(s)

LAKSHMI NARAYANAN, RAM
GOPAL

Examiner

Michael D. Meucci

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 9-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 19-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the request for reconsideration filed 19 October 2005.

Response to Amendment

2. Examiner acknowledges amendments made to overcome 112 2nd paragraph rejections. These rejections have been withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5-8, 19 and 23-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Tuexen et al. ("Requirements for Reliable Server Pooling") hereinafter referred to as Tuexen, in view of Aull (U.S. 6,898,710 B1).

- a. As per claims 1 and 19, Tuexen teaches: A method for providing application service to a client, the client operating in conformance with aggregate access server protocol (ASAP) said method comprising the steps of: requesting access to an application via a proxy pool element (paragraph 3 on [Page 7]); registering said application with said proxy pool element (paragraph 1 under section (a) on page

[Page4], paragraphs 1 and 2 under section 4 on [Page13]); and selecting a server to provide said application to the client (section 5 on [Page 7]).

Tuexen does not explicitly teach: legacy applications and legacy servers. However, Aull discloses: "In current systems a user may attempt to access a legacy application 30 on legacy server 32 from a client's platform 24," (lines 50-52 of column 2). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize legacy applications and legacy servers as the applications and servers respectively disclosed in Tuexen. "Legacy applications and servers typically employ proprietary computer interfaces and custom software clients. These interfaces and clients typically rely on a simple user ID and password scheme to authenticate the identity of a user. However, as noted previously, making significant modifications to these interfaces and clients to work with signature certificates is generally very expensive," (lines 58-65 of column 2 in Aull). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to utilize legacy applications and legacy servers as the applications and servers respectively in the system as taught by Tuexen.

b. As per claims 5 and 23, Tuexen teaches: "the proxy pool element comprises an endpoint server operating in conformance with ASAP (paragraph 1 under section (a) on [Page 4]).

c. As per claims 6 and 24, Tuexen teaches: the step of selecting a legacy server comprises the step of making a selection based on a pre-established server selection criterion (paragraph 1 under section 5 on [Page 7]).

d. As per claims 7 and 25, Tuexen teaches: the pre-established selection criterion is based on a policy established by a server administrative entity (paragraph 1 under section 4 on [Page 13]).

e. As per claims 8 and 26, Tuexen teaches: said pre-established server selection criterion comprises a member of the group consisting of: a round-robin selection, a first-in-first-out selection, transaction count, load availability, and number of concurrently-running applications (paragraph 1 under section 5 on [Page 7] and paragraph 2 under section 5 on [Page 14]).

5. Claims 2-3 and 20-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Tuexen in view of Aull as applied to claim 1 above, further in view of Callaghan et al. (U.S. 5,737,523) hereinafter referred to as Callaghan.

As per claims 2-3 and 20-21, Tuexen does not explicitly teach: the step of checking a status of said legacy application in response to said step of requesting access to said proxy pool element and wherein, in the selecting step, said legacy server comprises a daemon for providing said legacy applications status to said proxy pool element. However, Callaghan discloses: "The method is implemented upon an NFS server computer system and includes the steps of receiving a network file system request from an NFS client, determining whether the NFS client has an access status sufficient to perform the NFS request," (line 64 of column 2 through line 2 of column 3).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to check a status of the legacy application in response to

requesting access to the legacy application and have the legacy server comprise a daemon for providing the legacy application status to the proxy pool element. Checking the status allows for: "performing the NFS request when the NFS client has sufficient access status," (lines 2-3 of column 3 in Callaghan). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to check a status of the legacy application in response to requesting access to the legacy application and have the legacy server comprise a daemon for providing the legacy application status to the proxy pool element in the system as taught by Tuexen and Aull.

6. Claims 4 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Tuexen in view of Aull and Callaghan as applied to claim 3 above, further in view of Yamamoto (U.S. 6,816,860 B2)

As per claims 4 and 22, Tuexen does not explicitly teach the daemon providing legacy application status by polling a process table in the legacy server. However, Yamamoto discloses: "FIG. 2 shows an example of communication resource management data according to this embodiment. For each communication processing device 10, a resource management table 27 contains settings indicating failure information, activity information, and operations information," (lines 7-12 of column 2). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the daemon provide legacy application status by polling a process table in the legacy server. "The resource load management process module 26 and the

distributing client 3 checks to see when the information should be retrieved," (lines 23-26 of column 7 in Yamamoto). Looking up an application status in a table is very well known in the art at the time of the applications invention. It is for these reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the daemon provide legacy application status by polling a process table in the legacy server in the system as taught by Tuexen, Aull, and Callaghan.

Response to Arguments

7. Applicant's arguments filed 19 October 2005 have been fully considered but they are not persuasive.

8. (A) Regarding claims 1 and 19, the applicant contends that the examiner's motivation is unpersuasive. The examiner respectfully disagrees.

As to point (A), the applicant argues that the cited portion or otherwise, makes no indication, suggestion or motivation that legacy server should be included in server pools as taught by Tuexen. The examiner points to the citation on lines 50-52 of column 2 in Aull which discloses: "In current systems a user may attempt to access a legacy application 30 on legacy server 32 from a client's platform 24." The user attempting to access legacy applications on legacy servers is motivation in itself in that these applications can only be accessed from these servers. The cited lines 58-65 of column 2 provide additional motivation showing the need to authenticate users to ensure they are permitted access. As such, one of ordinary skill in the art at the time of

the applicant's invention would have been motivated to include legacy applications and legacy servers in server pools.

9. (B) Regarding claims 2 and 20, the applicant contends that the examiner's motivation to combine the references is not a motivation to combine references but is rather the end result after the combination has already been made. The examiner respectfully disagrees.

As to point (B), the examiner points to the citation on line 64 of column 2 through line 3 of column 3 in Callaghan which discloses: "The method is implemented upon an NFS server computer system and includes the steps of receiving a network file system request from an NFS client, determining whether the NFS client has an access status sufficient to perform the NFS request and performing the NFS request when the NFS client has sufficient access status." Additionally, lines 11-18 of column 7 in Callaghan disclose: "Another criterion which would be suitable for controlling access would be a current status of the given file system 30. For example, if the given file system 30 was currently off line, it may be desirable to limit access even though the NFS server 200 originally intended to share the file system 30. Accordingly, such information would be utilized by the dynamic NFS client authentication service 270 when authenticating the NFS client 12." It is clear that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to check a status of the legacy application in response to the step of requesting access to the legacy applications.

10. (C) Regarding claims 3 and 21, the applicant contends that the previous office action fails to address the limitations of these claims. The discussion of claims 3 and 21 was grouped with the rejection of claims 2 and 20 in paragraph 7 on pages 5 and 6.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Edgar (U.S. 6,912,522 B2) discloses optimization of data transport and processing including in legacy systems.

Aull (U.S. 6,941,455 B2) discloses cross directory authentication in a public key infrastructure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beatriz Prieto
BEATRIZ PRIETO
PRIMARY EXAMINER